

REMARKS

The above-referenced application was filed with eight claims. In the outstanding office action, claims 1-5 have been indicated to be allowable if rewritten to overcome a non-statutory subject matter rejection, and claims 6-8 have been allowed. In addition, the Examiner acknowledged that the pending claimed subject matter is allowable over the prior art. By way of this office action, claim 4 has been canceled and claim 1 is amended to overcome the non-statutory subject matter rejection. In addition, while not necessary, claim 6 has been amended in manner similar to claim 1. In light of the foregoing, applicants respectfully submit all pending claims, i.e., claims 1-3 and 5-8, are in condition for allowance and respectfully solicit same.

First, claims 1-5 have been rejected under 35 USC 101 as being directed to non-statutory subject matter. The Examiner indicated that claim 1 was rejected as it was preliminarily determined that the claimed subject matter would not appear to be sufficient to constitute a "useful, concrete and tangible result". While applicants disagree, claim 1 has been amended to include the subject matter of previous dependent claim 4 wherein the amplitude of the interfering magnetic field is measured based on luminous intensity of the reflected beam. In addition, claim 1 has been modified to specify additional modulating lock-in detecting and amplitude determining steps. It can now hardly be argued that the claimed subject matter is not directed to a useful, concrete, and tangible result. More specifically, It can now be seen that the pending application and its disclosed invention provides the useful, concrete, and tangible result of, among other things, a method and device for obtaining quantitative characterization of defects. As explained on page 1, line 30 through page 2, line 10 of the specification these defects may be, for example, cracks at the feet of rivets, or corrosion, that are present in a conducting target and may be especially applicable in the aeronautical and nuclear industries. This result is particularly achieved by the steps of "modulating the luminous intensity of the polarized light of the light source stroboscopy" and "lock-in detecting by photodetector means, a reflected beam corresponding to the reflection on the reflecting surface located between the active material and the target material" as recited in claim 1. These preceding steps allow the determination of the "phase of the interfering magnetic field, from the detecting luminous intensity of the reflected beam, function of the observed angle of Faraday rotation" as also recited in claim 1.

Applicants also wish to point out that the additional subject matter added to claim 1 is clearly supported by the specification. More specifically, the step of "generating a polarized incident light beam by a light source" is supported at, *inter alia*, page 5, lines 36-37, the step of "modulating luminous intensity of the polarized light by the light source stroboscopy" is supported at, *inter alia*, page 8, lines 16-24, the step of "lock-in detecting by photodetector means a reflected beam corresponding to the reflection on a reflecting surface located between the active material and the target material" is supported at, *inter alia*, page 8, lines 26-30, and the step of "determining the amplitude and phase of interfering magnetic field, from the detecting luminous intensity of the reflected beam, function of the observed angle of Faraday rotation" is supported at, *inter alia*, page 9, lines 1-10.

In light of all the foregoing, the requirements of 35 USC §101 are therefore met.

In addition to the above, one typographical error is hereby corrected in the specification. The specification and claims as filed stated the interfering magnetic field was between the range of substantially -1 Oersted and substantially +1 Oersted. That range has now been amended to state a range of between substantially -100 Oersted and substantially +100 Oersted. This range is clearly supported by the chart depicted in Fig. 3 filed with the application.

In light of all the foregoing, applicants respectfully submit that claims 1-3 and 5-8 are in condition for allowance and respectfully solicit same. Should the Examiner have any questions, he is invited to telephone the undersigned.

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Respectfully submitted,

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